

county depends upon the result of such survey, and that this is the only mode of settling the ownership of that territory.

Respectfully,

JOHN IRELAND, Governor.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,  
AUSTIN, January 28, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to inform your honorable body of the passage by the House of

House bill No. 183, a bill to be entitled "An act to amend article 75 of the Revised Civil Statutes of the State of Texas, amended by an act passed at the regular session of the Eighteenth Legislature, approved April 14, 1883."

A. D. SADLER, Chief Clerk.

On motion of Senator Houston of Bexar,  
The Governor's message was referred to Committee on Finance.

Senator Woods moved to call up Senate bill No. 57, "An act to amend article 714 of the Code of Criminal Procedure," and make it a special order for to-morrow after the first special order after morning call, and from day to day until disposed of.

Adopted.

Senator Jones offered the following:

Resolved, That on and after this date the Senate hold an afternoon session.

The yeas and nays were called for.

Senator Shannon raised the point of order that the resolution affected to change the rules, and would have to lay over one day.

The point of order was sustained.

By leave, Senator Jones introduced a bill to be entitled "An act to amend article 391, chapter 12 of the Penal Code."

Referred to Judiciary Committee No. 2.

The President appointed the following committees:

To act with House committee on the matter of the Capitol contract: Senators Shannon, Glasscock, Getzendaner and Bell.

To visit the educational institutions: Senators Pfeuffer, Garrison and Harrison.

Senator Bell offered the following privileged report:

COMMITTEE ROOM,  
AUSTIN, January 28, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 79, being "An act requiring the Comptroller of Public Accounts, Commissioner of the General Land Office and State Treasurer, to employ females when their services can be had to fill one-half of the clerkships in the several departments under the control of these officers," and find the same correctly engrossed.

BELL, Chairman.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,  
AUSTIN, January 28, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to report to your honorable body the passage by the House of

House bill No. 35, a bill to be entitled "An act to amend article 4531 of the Revised Statutes."

A. D. SADLER, Chief Clerk.

The President referred the following House bills:

No. 35, "An act to amend article 4531 of the Revised Statutes," to Committee on State Affairs.

No. 183, "An act to amend article 75 of the Revised Civil Statutes of the State of Texas, as amended by an act passed at the regular session of the Eighteenth Legislature, approved April 14, 1883," to Judiciary Committee No. 1.

No. 21, "An act to amend article 677 of the Penal Code," to Committee on Internal Improvements.

On motion of Senator Pope,  
The Senate adjourned till 10 o'clock to-morrow morning.

## FIFTEENTH DAY.

SENATE CHAMBER,  
AUSTIN, TEXAS, January 29, 1885. }

The Senate met pursuant to adjournment.

Lieutenant-Governor Gibbs in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Shannon,

The reading of the journal of yesterday was dispensed with.

## PETITIONS AND MEMORIALS.

By Senator Knittel:

Memorial of the citizens of Fort Bend, asking that their county be included in the game law.

Referred to Committee on State Affairs.

## REPORTS OF STANDING COMMITTEES.

By Senator Davis:

COMMITTEE ROOM,  
AUSTIN, January 28, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 58, entitled "An act to amend chapter 4 of title 9 of the Penal Code, by adding thereto articles 323a, 323b and 323c, so as to provide for punishing persons for selling deadly weapons to minors, and punish persons for carrying concealed weapons, and define brass-knuckles;" also, Senate bill No. 29, entitled "An act to repeal article 323, and to amend articles 318, 319, 320, 321 and 322, of title 9, chapter 4 of the Penal Code, relating to unlawfully carrying arms;" also, Senate bill No. 80, entitled "An act to repeal articles 320, 321 and 323, and to amend articles 318 and 322, title 9, chapter 4 of the Revised Code of the State of Texas," have carefully examined the same, and instruct me to report the accompanying substitute therefor, and recommend that such substitute do pass.

All of which is respectfully submitted.

DAVIS, Chairman.

## COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 58, 29 AND 80.

"An act to amend articles 318, 319 and 322 of the Penal Code of the State of Texas, and to repeal articles 320, 321 and 323 of said Code."

Senator Bell submitted the following minority report on Senate bills Nos. 29, 58 and 80:

COMMITTEE ROOM,  
AUSTIN, January 28, 1885.

Hon. Barnett Gibbs, President of the Senate:

Not being able to agree with the other members of your Judiciary Committee No. 2, to whom was referred Senate bills

Nos. 29, 58 and 80, being "An act to amend articles 318, 319 and 322 of the Criminal Code of the State of Texas," and believing that the adoption of the amendments, as recommended by your committee, would be fraught with the most pernicious consequences to the people of the entire State, I deem it proper that I should set forth the reasons upon which I base my opposition to the proposed changes in the law.

The bill under consideration seeks to change the law so as to fix the minimum punishment of one who unlawfully carries a pistol, or certain other inhibited weapons, at a fine of not less than one hundred dollars and by confinement in the county jail for not less than thirty days, and to remove the exemption which has heretofore existed in favor of travelers, and those who have reasonable grounds for fearing an unlawful attack upon their persons, and even makes a peace officer amenable to its provisions, except in such counties as the Governor, by proclamation, may exempt from the operation of the law.

It is a well recognized maxim that it is not the severity, but the certainty of the punishment which deters evil-minded persons from violating the law; and it is also well known that under our system, where the law is enforced through the medium of juries, no law can be enforced when the punishment inflicted for its violation is so severe as to outrage their sense of justice, and I believe few juries could be found who would inflict the disgraceful and degrading punishment of confinement in the county jail upon one who had committed no act which was wrong of itself, but which was wrong merely because it was a breach of a police regulation. I fear that the severity of punishment proposed to be inflicted upon those who violate the law will render the law itself absolutely nugatory, because the juries will not enforce it.

But assuming that the law can and will be enforced, I do not think it right to inflict a disgraceful punishment upon a good, honest citizen who had carried a weapon in violation of law—not from a wilful disregard of its provisions, but because he had reasonable grounds for fearing an unlawful attack upon his person. I do not believe that one man in a hundred who carries a pistol does so with any intention of committing a crime with it, but that they do so for the protection of their person or property.

The robber or the assassin cannot be deterred from carrying weapons, because they do not expect to be identified, or they could not commit the robbery or the murder. The lawless man then is armed, while the honest man is disarmed and placed completely at his mercy.

But my most serious objection to the proposed amendments is that they deprive peace officers of the right to carry the weapons with which they can best cope with the desperate characters whom they so often lose their lives in attempting to arrest. It is frequently necessary for a peace officer to approach those whom he intends to arrest in a manner that will excite their suspicion. Can he do this with a gun in his hands? Again, the suspected party is frequently overtaken after a run of miles on horseback. Is the sheriff to be embroiled with a shot gun, or is he to throttle a Bill Longly or John Wesley Hardin with his hands? But the Governor has exempted certain counties from the operation of the law as to peace officers. If he exempts the county of A, the peace officers can follow a fugitive from justice to the county line and then must deposit their pistols and seek guns with which to effect the arrest of a murderer or thief.

Again, how is the peace officer to know what counties the Governor has exempted from the operation of the proposed law? He cannot be expected to carry a copy of the Governor's proclamation with him, every time he happens to be in pursuit of a violator of the law; yet he must do so, or he will be continually laying himself liable to a prosecution, though I think he would seldom run much risk of being convicted.

I think the trouble with those who are in favor of more stringent laws with reference to the carrying of pistols is that they confuse the trivial offense of carrying a pistol, with the crime which is committed with the pistol, and while I am in favor of inflicting punishment upon all violators of the law, I am not willing to impose a severe and disgracing punishment upon a good citizen because a bad man has abused his privileges. I therefore dissent from the report of your committee and ask that the bill be amended by the committee do not pass.

C. K. BELL.

Senator Davis:

COMMITTEE ROOM,  
AUSTIN, January 28, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 96, entitled "An act to punish for deer hunting by firelight at night time," have carefully examined the same, and instruct me to report the same back with the recommendation that it do not pass.

All of which is respectfully submitted.

DAVIS, Chairman.

COMMITTEE ROOM,  
AUSTIN, January 28, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 109, entitled "An act to amend title 17, chapter 17 of the Penal Code of the State of Texas, by adding thereto article 797a," have carefully examined the same, and instruct me to report the same back with the recommendation that it lie on the table to await the result of pending assessment bills.

All of which is respectfully submitted.

DAVIS, Chairman.

COMMITTEE ROOM,  
AUSTIN, January 28, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 114, entitled "An act to amend chapter 6, title 26 of the Revised Statutes, by adding article 1039a," have carefully examined the same, and instruct me to report the same back with the recommendation that it be referred to Judiciary Committee No. 1.

All of which is respectfully submitted.

DAVIS, Chairman.

COMMITTEE ROOM,  
AUSTIN, January 28, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 124, entitled "An act to amend section 2 of an act entitled 'an act to provide for the payment of the expenses of attached witnesses in felony cases,'" have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

DAVIS, Chairman.

COMMITTEE ROOM,  
AUSTIN, January 28, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 127, entitled "An act to preserve the records and papers in criminal cases," have carefully examined the same, and instruct me to report the same back with the recommendation that it do not pass.

All of which is respectfully submitted.

DAVIS, Chairman.

COMMITTEE ROOM,  
AUSTIN, January 28, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 133, entitled "An act to amend article 610, chapter 5 of the Revised Civil Statutes of the State," have carefully examined the same, and instruct me to report the same back with the recommendation that it be referred to Judiciary Committee No. 1.

All of which is respectfully submitted.

DAVIS, Chairman.

COMMITTEE ROOM,  
AUSTIN, January 28, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 141, entitled "An act to amend articles 29 and 30 of the Code of Criminal Procedure for the State of Texas," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

DAVIS, Chairman.

COMMITTEE ROOM,  
AUSTIN, January 28, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Sen-

ate bill No. 146, "An act to amend article 288 of the Code of Criminal Procedure," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

DAVIS, Chairman.

COMMITTEE ROOM,  
AUSTIN, January 28, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 148, entitled "An act to amend article 500, title 15, chapter 3 of the Penal Code of the State of Texas," have carefully examined the same, and instruct me to report the same back with the recommendation that it lie on the table, because a bill embracing same object has been reported by committee.

All of which is respectfully submitted.

DAVIS, Chairman

COMMITTEE ROOM,  
AUSTIN, January 28, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 151, entitled "An act to amend article 391, chapter 12 of the Penal Code," have carefully examined the same, and instruct me to report the same back with the recommendation that it do not pass.

All of which is respectfully submitted.

DAVIS, Chairman.

COMMITTEE ROOM,  
AUSTIN, January 28, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 105, entitled "An act to amend articles 324 and 328, chapter 1, title 10 of the Penal Code, for better defining, convicting and punishing the crime of bigamy," have carefully examined the same, and instruct me to report back the accompanying substitute, with the recommendation that it do pass.

All of which is respectfully submitted.

DAVIS, Chairman.

COMMITTEE SUBSTITUTE.

Senate bill No. 105, "An act to amend article 324 of the Penal Code of the State of Texas."

By Senator Calhoun

COMMITTEE ROOM,  
AUSTIN, January 28, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 104, entitled "An act to amend article 735, chapter 7, title 8 of the Code of Criminal Procedure, for better defining in what cases husband and wife may be witnesses against each other," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

This act amends article 735 of the Code of Criminal Procedure, and provides that a husband or wife may be witness one against the other where either is charged with the crime of bigamy.

All of which is respectfully submitted.

CALHOUN, for Committee.

By Senator Stinson:

COMMITTEE ROOM,  
AUSTIN, January 28, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Private Land Claims, to whom was referred Senate bill No. 136, entitled "An act for the relief of W. J. Salyer, and to validate donation warrant No. 509 and the survey made by virtue thereof, issued by G. W. Hockley, Secretary of War, on fourteenth of August, 1838, for 640 acres of land, to John Sharp," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

STINSON, Chairman.

Senator Glasscock, by leave, presented a memo-

rial of the citizens of Austin as to the use of public property.

Referred to Committee on Public Buildings and Grounds.

#### BILLS AND RESOLUTIONS.

By request,

Senator Evans introduced a joint resolution proposing an amendment of section 20, article 16 of the Constitution of the State of Texas.

Referred to Committee on Constitutional Amendments.

Senator Evans offered the following resolution:

Resolved, That it shall be the duty of the several chairmen of all Senate committees or their clerks, where they have such, to furnish and accompany with the report on each bill that is reported favorably, a duplicate of such report for the benefit of the printer.

Lost.

By Senator Kleberg:

"An act to amend section 8 of an act establishing and prescribing the manner of ascertaining the boundaries of counties."

Referred to Committee on Counties and County Boundaries.

By Senator Johnson:

"An act relating to public roads, to amend article 4360 of an act to amend articles 4360, 4361, 4366, etc., of title 87, chapter 1, and to add thereto articles 4390a, 4390b and 4390c," etc.

Referred to Committee on Public Roads and Bridges.

Senator Kilgore, by request:

"An act to regulate the practice of medicine and surgery, and to punish persons for malpractice."

Referred to Committee on Public Health.

By Senator Farrar:

"An act to amend article 4405, of chapter 3, title 88 of the Revised Statutes of Texas."

Referred to Judiciary Committee No. 1.

"An act to amend article 3014 of the Revised Statutes of Texas."

Referred to Judiciary Committee No. 1.

By Senator Davis:

"An act to amend articles 1770, 1771, 1772, 1773, 1777 and 1780 of the Revised Civil Statutes of the State of Texas, so as to better regulate the law of escheats."

Referred to Judiciary Committee No. 2.

Senator Davis moved that fifty copies of the bill be ordered printed for the use of the committee.

Senator Fowler offered to amend by ordering one hundred copies printed for the use of the Senate and the committee.

Accepted and adopted.

Senate bill No. 112, entitled "An act to provide for the issuance and sale of the bonds of the State, to supply deficiencies in the revenue, and to provide the mode and manner of the sale of said bonds," was taken up as a special order and read second time, with the committee amendment.

The committee amendment was adopted by the following vote:

YEAS—27.

Bell,  
Calhoun,  
Camp,  
Davis,

Douglass,  
Evans,  
Farrar,  
Fowler,

Garrison,  
Getzendaner,  
Glasscock,  
Hall,

Harrison, Houston of Bexar, Houston of Wheeler, Johnson, Jones,	Kilgore, Knittle, Perry, Pfeuffer, Pope,	Shannon, Stinson, Terrell, Traylor Woods.
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NAYS—1.

Kleberg.

ABSENT, NOT VOTING.

Jerdone.

Randolph.

Senator Kleberg offered the following amendment:

Amend by striking out all of the bill relating to bonds to be offered to the Board of Education as an investment for the special funds which are by law authorized to be invested.

Lost.

Senator Getzendaner offered the following amendment:

Amend by inserting "may" instead of "shall" in line 19, on page 1.

Senator Evans offered the following as a substitute for the amendment:

Amend by striking out all after the word "invested," in line 18, section 3, page 1, printed bill, to and inclusive of the word "investment," in line 1, page 2.

The substitute was accepted, and adopted.

Senator Traylor offered the following amendment:

"And the Governor shall be invested with authority to carry into operation the provisions of this act; and the proceeds of the sale of said bonds shall be deposited in the State Treasury to the credit of the general revenue fund, to meet deficiencies in the revenue."

Adopted.

Senator Harrison offered the following amendment:

Amend section 2 so it will read as follows:

"Section 2. That said bonds shall be of the denomination of one hundred dollars each, and shall be redeemable at the pleasure of the State, and shall bear interest at the rate of six per cent per annum, payable semi-annually at the State treasury on the first days of January and July of each year, and it shall be the duty of the Governor to have such bonds redeemed and cancelled as fast as the general revenue will permit."

Lost.

Senator Kleberg offered the following amendment:

Strike out in line 7, section 2, all after the word "direct" to the word "and," and insert "payable in five years or sooner if possible."

Lost.

Senator Traylor offered the following amendment:

Strike out "section 7" and insert "section 4."

Adopted, and

The bill ordered engrossed.

Senator Traylor moved to suspend the constitutional rule and pass the bill to third reading.

Adopted by the following vote:

YEAS—27.

Bell, Calhoun, Camp, Davis, Douglass, Evans, Farrar, Fowler, Garrison,	Getzendaner, Glasscock, Hall, Harrison, Houston of Bexar, Johnson, Jones, Kilgore, Kleberg,	Knittle, Perry, Pfeuffer, Pope, Shannon, Stinson, Terrell, Traylor, Woods.
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NAYS—2.

Houston of Wheeler, Randolph.

ABSENT, NOT VOTING.

Jerdone.

The bill was read third time and passed by the following vote:

YEAS—24.

Bell, Calhoun, Camp, Davis, Evans, Farrar, Fowler, Garrison,	Getzendaner, Glasscock, Hall, Harrison, Houston of Bexar, Johnson, Jones, Kilgore,	Knittel, Perry, Pfeuffer, Pope, Shannon, Stinson, Terrell, Traylor.
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NAYS—4.

Houston of Wheeler, Kleberg,	Randolph, Woods.
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ABSENT, NOT VOTING.

Jerdone.

Senate bill No. 57, "An act to amend article 714 of the Code of Criminal Procedure," was taken up as a special order and read second time and ordered engrossed.

Senator Woods moved to suspend the constitutional rule and pass the bill to third reading:

Adopted by the following vote:

YEAS—29.

Bell, Calhoun, Camp, Davis, Evans, Farrar, Fowler, Garrison, Getzendaner, Glasscock,	Hall, Harrison, Houston of Bexar, Houston of Wheeler, Johnson, Jones, Kilgore, Kleberg, Knittel,	Perry, Pfeuffer, Pope, Randolph, Shannon, Stinson, Terrell, Traylor, Woods.
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NAYS—none.

ABSENT, NOT VOTING..

Jerdone.

The bill was read third time, and passed by the following vote:

YEAS—27.

Calhoun, Camp, Davis, Evans, Farrar, Fowler, Garrison, Getzendaner, Glasscock,	Hall, Harrison, Houston of Bexar, Houston of Wheeler, Johnson, Jones, Kilgore, Kleberg, Knittel,	Perry, Pfeuffer, Pope, Randolph, Shannon, Stinson, Terrell, Traylor, Woods.
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NAYS—1.

Bell.

The following communication was received from the Governor and read:

EXECUTIVE OFFICE,  
AUSTIN, January 29, 1885.

To the Senate:

In compliance with a resolution adopted by your honorable body on the nineteenth day of January, 1885, I herewith transmit statement prepared by Secretary of the Land Board, giving the information requested.

Respectfully,

JOHN IRELAND,  
Governor of Texas.

## RECAPITULATION.

	Settlers	Acres
School lands .....	235	96,726
University lands.....	4	871
Deaf and Dumb Asylum lands.....	14	2,880
Lunatic Asylum lands.....	6	3,200
Blind Asylum lands.....	5	1,122
Orphan Asylum lands.....	5	1,835
Total .....	269	106,624

Average acres to settler 396 $\frac{1}{4}$ ; all being heads of families; purchased at minimum prices—\$2 per acre.

Fifty-two applications rejected, not complying with the law and regulations.

Three hundred and twenty-one applications acted upon.

On motion of Senator Terrell,

The letter, with the full report, was referred to Committee on Public Lands.

The following communication was received and read :

AUSTIN, January 29, 1885.

To the Honorable the Senate of the State of Texas:

You are cordially invited to visit the State fish ponds and inspect the actual workings of the Commissioner. You are also requested to examine the clerical work of the office, and read the large number of letters on file, showing the great and increasing interest all over the State in modern fish culture.

Respectfully,

JNO. B. LUBBOCK, Commissioner.

On motion of Senator Davis,

Senate bill No. 67, "An act to amend article 852 of the Code of Criminal Procedure," was taken up out of its regular order, read second time and ordered engrossed.

Senator Harrison moved to take up Senate bill No. 59, "An act to provide for the registration of writs of attachment which have been levied upon land in the office of county clerk of the county where said land is situated," out of its regular order, and make it special order for to-morrow morning after the first special order.

Lost.

On motion of Senator Fowler,

Senate bill No. 14, "An act to amend article 685 of the Code of Criminal Procedure," was taken up out of its regular order and made a special order for Monday after the first special order after morning call.

House bill No. 4, "An act to amend article 2402, title 42, chapter 3 of the Revised Statutes of the State of Texas," was taken up in regular order and read second time, and

First committee amendment was adopted.

The second committee amendment was adopted.

Senator Harrison moved to amend by striking out the words, "and the county judge when acting as such," in lines 5 and 6, on first page.

Lost by the following vote:

YEAS—5.

Evans,	Harrison,	Pfeuffer.
Fowler,	Perry,	

NAYS—24.

Bell,	Hall,	Knittle,
Calhoun,	Houston of Bexar,	Pope,
Camp,	Houston of Wheeler,	Randolph,
Davis,	Jerdone,	Shannon,
Farrar,	Johnson,	Stinson,
Garrison,	Jones,	Terrell,
Getzendaner,	Kilgore,	Traylor,
Glasscock,	Kleberg,	Woods.

Senator Houston of Wheeler offered the following amendment:

Amend by adding, in line 5, after "county judge," "and county clerk."

Lost, by the following vote:

YEAS—14.

Camp,	Houston of Wheeler,	Pfeuffer,
Glasscock,	Jerdone,	Pope,
Hall,	Jones,	Randolph,
Harrison,	Kleberg,	Stinson.
Houston of Bexar,	Knittel,	

NAYS—15.

Bell,	Fowler,	Perry,
Calhoun,	Garrison,	Shannon,
Davis,	Getzendaner,	Terrell,
Evans,	Johnson,	Traylor,
Farrar,	Kilgore,	Woods.

Senator Bell offered the following substitute:

Each county commissioner, and the county judge when acting as such, shall receive from the county treasury, to be paid on the order of the commissioners' court, the sum of three dollars for each day he is engaged in holding a term of the commissioners' court, and mileage in going to and returning from the county seat of their county, which mileage shall not exceed five cents for each mile such commissioner or county judge may have to travel in going to and returning from his residence to the county seat, the distance to be computed by the nearest and most direct route of travel; provided, that no commissioner nor county judge shall receive mileage for more than one trip at the same session of the court.

And provided further, that no commissioner nor county judge shall receive pay for holding more than one special term of their court per month.

Adopted by the following vote:

YEAS—18.

Bell,	Houston of Wheeler,	Pfeuffer,
Davis,	Jerdone,	Randolph,
Garrison,	Johnson,	Shannon,
Hall,	Kilgore,	Stinson,
Harrison,	Knittel,	Terrell,
Houston of Bexar,	Perry,	Traylor.

NAYS—10.

Calhoun,	Fowler,	Kleberg.
Camp,	Getzendaner,	Pope,
Evans,	Glasscock,	Woods.
Farrar,		

ABSENT, NOT VOTING.

Jones.

Senator Shannon offered to amend as follows:

Strike out "five cents" and insert "ten cents."

Adopted.

Senator Davis moved a reconsideration of the vote just taken.

Withdrawn.

Senator Glasscock moved to amend by striking out "three dollars" and inserting "four dollars."

Lost.

Senator Fowler offered to amend by adding the words "the mileage in no one day shall exceed three dollars."

Adopted by the following vote:

YEAS—15.

Bell,	Fowler,	Jones,
Calhoun,	Glasscock,	Kilgore,
Davis,	Harrison,	Perry,
Evans,	Houston of Bexar,	Pfeuffer,
Farrar,	Johnson,	Woods.

NAYS—13.

Camp,	Jerdone,	Shannon,
Garrison,	Kleberg,	Stinson,
Getzendaner,	Knittel,	Terrell,
Hall,	Pope,	Taylor.
Houston of Wheeler,		

ABSENT, NOT VOTING.

Randolph.

Senator Shannon moved to strike out "day" and insert "days' travel."

Adopted, and

The substitute ordered engrossed by the following vote:

## YEAS—23.

Bell,	Harrison,	Pfeuffer,
Calhoun,	Houston of Wheeler,	Pope,
Camp,	Jerdone,	Randolph,
Davis,	Johnson,	Shannon,
Evans,	Jones,	Stinson,
Fowler,	Kilgore,	Terrell,
Garrison,	Knittle,	Traylor,
Glasscock,	Perry,	

## NAYS—5.

Farrar,	Houston of Bexar,	Woods.
Getzendaner,	Kleberg,	

## ABSENT, NOT VOTING.

Hall.

Senator Pope moved a reconsideration of the vote just taken.

Senator Davis moved to lay the motion on the table.

Adopted, and

The motion laid on the table by the following vote:

## YEAS—25.

Bell,	Houston of Bexar,	Pfeuffer,
Camp,	Houston of Wheeler,	Pope,
Davis,	Jerdone,	Randolph,
Evans,	Johnson,	Shannon,
Farrar,	Jones,	Stinson,
Garrison,	Kilgore,	Terrell,
Getzendaner,	Knittle,	Traylor,
Glasscock,	Perry,	Woods.
Harrison,		

## NAYS—3.

Calhoun,	Fowler,	Kleberg.
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## ABSENT, NOT VOTING.

Hall.

By leave,

Senator Houston of Bexar, introduced a memorial of Madame Candelaria Villanueva.

Referred to Committee on Private Land Claims.

Senator Jones, by leave, introduced "An act to amend section 4, chapter 114 of 'an act to provide for the more efficient management of the State penitentiaries,' etc."

Referred to Committee on Penitentiaries.

On motion of Senator Houston of Wheeler,

One hundred copies of the report accompanying the Governor's message were ordered printed.

Senator Farrar offered the following resolution:

## CONCURRENT RESOLUTION.

Resolved by the Senate, the House concurring. That the President of the Senate appoint a committee of three Senators, and the Speaker of the House of Representatives appoint a like number of Representatives, to visit the asylum at Terrell and report as early as practicable the condition of said asylum, its capacity for the accommodation of the insane, and whether it has been constructed in accordance with the plans and specifications for said building, and what further improvements, if any, are necessary to render said asylum ready for the reception and treatment of lunatics.

Adopted.

House concurrent resolution providing for the appointment of a joint committee composed of three Senators and five Representatives to visit and report upon the condition, operation and management of the State penitentiaries, was laid before the Senate, read and adopted.

On motion of Senator Jones,

Senate bill No. 69, entitled "An act establishing a reformatory farm for the confinement, reform and

utilization of convicts under the age of eighteen years," was taken up and made special order for Saturday morning after morning call.

The President referred House bill No. 3 to Finance Committee.

On motion of Senator Davis,

The Senate adjourned till 10 o'clock to-morrow morning.

## SIXTEENTH DAY.

SENATE CHAMBER,  
AUSTIN, TEXAS, January 30, 1885. }

The Senate met pursuant to adjournment.

Lieutenant-Governor Gibbs in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Perry,

The reading of the journal of yesterday was dispensed with.

## PETITIONS AND MEMORIALS.

By Senator Stinson:

Memorial of citizens of Hunt county, relative to the insurance law.

Referred to Committee on Insurance, Statistics and History.

By Senator Woods:

Petition of citizens of Gonzales county, requesting a change in time of holding district courts in said county.

Referred to Committee on Judicial Districts.

## REPORTS OF STANDING COMMITTEES.

By Senator Kleberg, for Committee on Stock and Stockraising:

COMMITTEE ROOM,  
AUSTIN, January 30, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Stock and Stockraising, to whom was referred House bill No. 15, entitled "An act to amend sections 4 and 16 of an act entitled 'an act for the protection of the wool growing interests of the State of Texas,' approved April 4, 1883," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

KLEBERG, Chairman.

## BILLS AND RESOLUTIONS.

By Senator Harrison:

"An act to amend article 575, chapter 3, title 20 of the Revised Statutes of the State of Texas."

"An act to amend article 595, chapter 4, title 20 of the Revised Statutes of the State of Texas."

"An act to amend article 610, chapter 5, title 20 of the Revised Statutes of the State of Texas."

The three bills referred to Judiciary Committee No. 1.

By Senator Kilgore:

"An act to amend article 4489, title 90 of the Revised Statutes of Texas."

Referred to Judiciary Committee No. 1.

Senate bill No. 83, entitled "An act to repeal sec-